

Recommendation Report for Planning Permission

REF NO: BR/86/15/PL

LOCATION: Marine Park House
6 Nyewood Lane
Bognor Regis

PROPOSAL: New entrance porch to flats.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION

This application seeks planning permission to replace an existing open fronted port with flat roof located outside of the entrance door serving flats at first and second floor at these premises. The proposed porch would have a flat roof and be mainly open sided. It would also accommodate a refuse bin store serving the rubbish chute for the premises. The entrance porch would measure 3.5m by 1.7m and the upper part would be clad in shiplap forming a fascia. The application indicates applied lettering for with planning permission is not required.

SITE AREA

The site area is approximately 0.12 hectares.

TOPOGRAPHY

Predominantly flat.

TREES

None of any significance affected by the proposed development.

BOUNDARY TREATMENT

This part of the wider premises has no boundary treatment and is open, with wooden decking up to back edge of footpath.

SITE CHARACTERISTICS

The site is comprised of a three storey building which is in commercial use at ground floor and has apartments above. There is side access and parking and garages/stores to the rear (east). The premises include The Waverley, a public house and adjacent to the proposed porch what appears to be a vacant commercial unit.

CHARACTER OF LOCALITY

The character of the area is mixed and includes formal open space to the west and tourism related uses in the form of hotels/B&Bs.

RELEVANT SITE HISTORY

BR/365/87	Wooden kiosk to be used for ice cream sales between April and November	ApproveConditionally 24-08-1987
BR/23/99/	Replacement white UPVC windows, doors and wall panels	ApproveConditionally 10-03-1999
BR/181/00/	New 2nd floor flat	ApproveConditionally 04-09-2000
BR/291/01/	Installation of timber decking on existing concrete patio area.	ApproveConditionally 30-11-2001
BR/348/05/	New 2nd floor 1 bed flat	ApproveConditionally 11-11-2005
BR/84/54/J	Entrance porch	Approve 26-02-1954
BR/84/54/D	Extension to restaurant with entrance lobby	Refused 24-02-1959
BR/84/54/G	Extension ot restaurant with entrance lobby	ApproveConditionally 28-03-1959
BR/84/54/H	Entrance lobby	Approve 26-11-1959
BR/84/54/K	Erection of 4 No 2 bedroomed and 6 No 1 bedroomed flats in two storeys over existing cafe and restaurant	Refused 16-06-1964
BR/84/54/L	Shop window	Approve 20-01-1965
BR/84/54/M	2 storey addition for 8 self contained flats over existing restaurant	Refused 08-04-1965
BR/84/54/O	2 storey addition for 6 self contained flats over existing restaurant	ApproveConditionally 18-06-1965
BR/84/54/R	6 self contained flats on two floors over existing cafe	ApproveConditionally 07-03-1966
BR/84/54/P	Construction of 2 No 2 bed flats over existing premises	No Decision Given

None.

REPRESENTATIONS

Representations received:

Bognor Regis Town Council

Bognor Regis Town Council raises no objections.

No representations have been received from nearby occupiers.

Comments on Representations received:

None.

CONSULTATIONS

Consultations responses received:

None.

Comments on Consultation responses:

None.

POLICY CONTEXT

Designation applicable to site:

Within Built Up Area

Class C Road

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#) GEN7
 GEN2
 DEV19

The Form of New Development
Built-up Area Boundary
Extensions to existing residential buildings
SD SP2 Built-Up Area Boundary
D DM1 Aspects of Form and Design
Quality
D DM4 Extensions and Alterations to
Existing Buildings (residential and non-
residential)

[Publication Version of the Local
Plan \(October 2014\):](#)

PLANNING POLICY GUIDANCE

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun District Local Plan 2003, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

Arun District Council's Development Plans:

Paragraph 215 of the NPPF ensures that specific policies in Arun District Local Plan 2003 can carry weight. The weight afforded to the policies with Local Plan policies can be assessed according to their level of consistency of the various policies with the National Planning Policy Framework.

Paragraph 216 of the NPPF confirms that weight can be given to policies in emerging plans from the day of publication. The Council resolved that the policies and maps in the Publication Version of the Local Plan be used in the determination of this planning application. Following 'publication' of the Local Plan a formal public consultation, examination and adoption process takes place.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The statement of representations procedure and statement of fact produced by the Council under regulation 19 explains that the consultation will take place on 30th October 2014 for six weeks.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area and policies within them will be considered in determining planning applications. Made NDP policies will be considered alongside other development plan documents including Arun District Council's Local Plan. Whilst an NDP is under preparation it will afford little weight in the determination of planning applications. Its status will however gain more weight as a material consideration the closer it is towards it being made. Arun District Council will make reference to an NDP when it has, by the close of planning application consultation, been publicised for pre-submission consultation(Reg.14).

Made Plans in Arun District Council's Local Planning Authority Area are: Angmering; Arundel; Barnham & Eastergate; Bersted; East Preston; Felpham; Ferring; Kingston; Littlehampton; Rustington; and Yapton.

There is no Made Plan for Bognor Regis.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the visual amenities of the locality or the residential amenities of the adjoining properties, nor would it have an adverse impact upon the established character of the surrounding area.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE

The site is located within the built-up area where the principle of development is acceptable, subject to accordance with relevant planning policies. In this instance, the main criteria against which the application will be assessed is contained within the Arun District Local Plan which in this case is considered to be policies GEN7 and DEV19 which seeks to prevent development that would have an adverse impact upon visual and residential amenities.

DESIGN AND VISUAL AMENITY

This application seeks planning permission for the development outlined in this report and will result in little change to the appearance of these premises, given that the new porch is replacement for an existing one. Albeit slightly larger, the proposed porch is similar to the existing one in terms of being flat roofed. The porch will also improve the appearance of the premises by replacing that which exists and which has a 'run down' appearance.

It is therefore considered that the porch is acceptable in visual amenity terms and complies with policies GEN7(ii) and DEV19(i),(ii) of the Arun District Local Plan.

RESIDENTIAL AMENITY

There is no detriment to the amenity of the occupiers of the apartments above. The porch provides improved facilities for occupiers and therefore has a positive impact on amenity. There is no detriment to the ground floor commercial uses.

The proposed replacement porch is considered not to result in any significant harm such that planning permission ought to be reasonably withheld.

It is therefore recommended that the application be approved, subject to the following conditions.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

In assessing this proposal the following impacts (negative, Neutral or positive) have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved drawings:

drawing Number: 1523.04 - Block Plan 1:500 - No Date, Submitted with Application

Drawing Number: 1523.01 - Proposed Entrance Porch Plans - Dated March 2015

Drawing Number: 1523.02 - Proposed Entrance Porch elevations - Dated March 2015

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

- 3 The materials and finishes of the porch hereby permitted shall match in colour and texture those of the existing building.

Reason: In the interests of amenity in accordance with policies GEN7 and DEV19 of the Arun District Local Plan.

- 4 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.